REMARKS

Applicants have thoroughly considered the Examiner's remarks in the May 5, 2006 final Office action and have amended the application to more clearly set forth the invention. This Amendment G cancels claims 2-38 and 43-48. Claim 1 has been amended and claims 49-73 have been added by this Amendment G.

Claims 1 and 49-73 are thus presented in the application for further examination. Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

Applicants request that the Examiner review and formally accept the drawings filed March 31, 2004.

Claim Rejections Under 35 U.S.C. §112

Claims 1-38 and 43-48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicants have canceled claims 2-38 and 43-48. Furthermore, the amended claim 1 and the added claims 49-73, do not recite "without installation of the application program on the target computer and wherein the operating system continues to execute in the first session without reboot and restart of the operating system of the target computer", thus the rejection should be withdrawn.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-8, l0-13, 17-27, 29-32, 34-38 and 43-48 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Pashupathy et al. (U.S. Pat No. 6,078,951, hereinafter, "Pashupathy") in view of Atkin et al. (U.S. Pat. No. 5,900,871, hereinafter, "Atkin"). Applicants respectfully disagree.

Pashupathy discloses a method for determining the file type of a file and installing or upgrading a viewer capable of viewing the file. (Pashupathy, FIG. 6) First, the viewer and a script are downloaded from a server. (Pashupathy, FIG. 6) Next, the script is executed to install and configure the viewer. (Pashupathy, FIG. 6)

Atkin discloses a method for dynamically managing cultural profiles. The cultural profiles are used by application programs to support a multitude of languages and countries.

(Atkin, Abstract) A user can define and switch cultural profiles while executing an application with relies on the profile. (Atkin, FIG. 3)

In contrast, claim 1, as amended, of the present invention recites:

> A method for serving executable application programs over a computer network from an application server system to a target computer having a helper application provided by the application server system, the method comprising:
>
> signaling the application server system with a request for an application program;
>
> receiving an application descriptor from the application server system in response to the request;
>
> executing the helper application in response to the received application descriptor;
>
> determining, by the helper application, a configuration to allow the target computer to execute the requested application program as a function of the application descriptor;
>
> controlling, by the helper application, execution of the application program on the target computer, the application program residing on the application server system, the helper application implementing the configuration on the target computer, wherein portions of the application program are retrieved and executed from the application server without an installation of the application program on the target computer; and
>
> **removing, by the helper application, the retrieved and executed portions of the application program from the target computer in response to termination of the application program on the target computer**.

The above recitals are illustrated in the present application in FIG. 2 (signaling the application server system), FIG. 3 (application server generating and sending the application descriptor), FIG. 4 (launching/executing the helper application), FIG. 5A (determining the configuration), FIG. 5B (controlling application program), and FIG. 7(removing the application program). In particular, on page 22 of the specification, an application shutdown process is executed when the application program is shutdown or if the user quits the application program. (Specification, page 22, lines 6-13, FIG. 7) Furthermore, the shutdown process removes the application program from the operating system and the local drives. (Specification, page 22, lines 6-13, FIG. 7) Pashupathy and Atkin, either taken separately or in combination do not anticipate or make obvious the claimed invention as these references fail to teach various aspects of the invention. For example, neither Pashupathy nor Atkin teach or disclose a method where the helper application removes "**the retrieved and executed portions of the application program from the target computer in response to the termination of the application**

program on the target computer" as recited in claim 1. Thus, claim 1 is patentable over Pashupathy in view of Atkin and should be allowed. Furthermore, claims 49-63 depend from claim 1 and are allowable for at least the same reasons as claim 1.

With respect to claim 64, the claim recites:

> transferring a helper application to the target computer, said helper application executing on the target computer;
> receiving a request for an application program from the target computer;
> sending an application descriptor to the target computer in response to the received request wherein the helper application determines a configuration to allow the target computer to execute the requested application program as a function of said application descriptor, and wherein the helper application controls execution of the application program on the target computer as the application program is residing on the application server system, the helper application implementing the configuration on the target computer, wherein portions of the application program are retrieved and executed on the target computer without an installation of the application program on the target computer; and
> **tracking a status of the execution of the application program on the target computer**.

The above recitals are illustrated in the present application in FIG. 1 at reference character 132 and in the specification at page 7 lines 5-6 (helper application), FIG. 3 at reference character 310 (receiving request), FIG. 3 (application server generating and sending the application descriptor), FIG. 4 (launching/executing the helper application), FIG. 5A (determining the configuration), FIG. 5B (controlling application program), and in the specification at page 19, lines 21-23 (tracking a status). As explained above, Pashupathy and Atkin, either taken separately or in combination do not anticipate or make obvious the claimed invention as these references fail to teach various aspects of the invention. For example, Pashupathy and Atkin teach or disclose methods for installing applications, but so not track **"a status of the execution of the application program on the target computer"** as recited in claim 64. Thus, claim 64 is patentable over Pashupathy in view of Atkin and should be allowed. Furthermore, claims 65-68 depend from claim 64 and are allowable for at least the same reasons as claim 64.

With respect to claim 69, the claim recites:

> an application server configured to execute computer-executable instructions for:
> transferring a helper application to a target computer, said helper application executing on the target computer;

receiving a request for an application program from the target computer;

sending an application descriptor to the target computer in response to the received request wherein the helper application determines a configuration that will allow the target computer to execute the requested application program as a function of said application descriptor, and wherein the helper application controls execution of the application program on the target computer, the application program residing on the application server system, the helper application implementing the configuration on the target computer, wherein portions of the application program are retrieved and executed without an installation of the application program on the target computer; and

tracking a status of the execution of the application program on the target computer; and

a target computer executing the helper application transferred by the application server configured to execute computer-executable instructions for:

signaling the application server system with the request for the application program;

receiving the application descriptor from the application server in response to the request;

executing the helper application in response to the received application descriptor;

determining, by the helper application, the configuration required by the target computer to execute the requested application program as a function of the application descriptor;

controlling, by the helper application, the execution of the application program on the target computer, the application program residing on the application server system, the helper application implementing the configuration on the target computer, wherein portions of the application program are retrieved and executed without an installation of the application program on the target computer; and

removing, by the helper application, the retrieved and executed portions of the application program from the target computer in response to the termination of the application program on the target computer.

The above recitals are illustrated in the present application in FIG. 1 at reference character 132 and in the specification at page 7 lines 5-6 (helper application), FIG. 3 at reference character 310 (receiving request), FIG. 3 (application server generating and sending the application descriptor), FIG. 4 (launching/executing the helper application), FIG. 5A (determining the configuration), FIG. 5B (controlling application program), in the specification at page 19, lines 21-23 (tracking a status), in FIG. 2 (signaling the application server system), FIG. 3 (application server generating and sending the application descriptor), FIG. 4 (launching/executing the helper application), FIG. 5A (determining the configuration), FIG. 5B (controlling application program), and FIG. 7(removing the application program).

As explained above, Pashupathy and Atkin, either taken separately or in combination do not anticipate or make obvious the claimed invention as these references fail to teach various aspects of the invention. For example, neither Pashupathy or Atkin teach or disclose a method where the application server system tracks "**a status of the execution of the application program on the target computer**" and the helper application removes "**the retrieved and executed portions of the application program from the target computer in response to the termination of the application program on the target computer**" as recited in claim 69. Thus, claim 69 is patentable over Pashupathy in view of Atkin and should be allowed. Furthermore, claims 70-72 depend from claim 69 and are allowable for at least the same reasons as claim 69.

Claims 9, 14, 28, and 33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Pashupathy in view of Atkin and in further view of de Hond et al. (U.S. Pat. No. 6,002,853, hereinafter, "de Hond").

The de Hond reference discloses a system for displaying graphic advertisements within a database search utility. However, de Hond is deficient for at least the same reasons noted above indicating that Pashupathy and Atkin are deficient. de Hond, either taken separately or in combination with Pashupathy and Atkin, does not anticipate or make obvious the claimed invention as these references fail to teach various aspects of the invention. For example, de Hond fails to teach or disclose the application server system tracking "**a status of the execution of the application program on the target computer**" and the helper application removing "**the retrieved and executed portions of the application program from the target computer in response to the termination of the application program on the target computer**" as recited in claims. Thus, claims 1, 64, 69 and 73 are patentable over Pashupathy in view of Atkin in further view of de Hond and should be allowed.

Applicants submit that the claims are allowable for at least the reasons set forth herein. The dependent claims are believed to be allowable for at least the same reasons as the independent claims from which they depend.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any required fee or credit any overpayment during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

/Frank R. Agovino/

Frank R. Agovino, Reg. No. 27,416
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

BAW/cjl/caa